

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
BRITTAIN J. PURCELLE,**

Plaintiff,

**9:18-cv-77
(GLS/TWD)**

v.

JOHN THOMAS,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

BRITTAIN J. PURCELLE

Pro Se

14-B-0600

Clinton Correctional Facility

P.O. Box 2001

Dannemora, NY 12929

FOR THE DEFENDANT:

HON. LETITIA JAMES

New York State Attorney General

300 South State Street, Suite 300

Syracuse, NY 13202

WILLIAM E. ARNOLD, IV

Assistant Attorney General

Gary L. Sharpe

Senior District Judge

ORDER

On March 30, 2020, in an Order adopting the Order and Report-Recommendation (R&R) of Magistrate Judge Thérèse Wiley Dancks, the court ordered plaintiff *pro se* Brittain J. Purcelle to notify the court, by April

17, 2020, of his current address and/or verify that his mailing address is as listed in the caption of this Order. (Dkt. No. 113.)¹ The court warned Purcelle that his failure to comply with the Order would result in *sua sponte* dismissal of this action for failure to notify the court of his address change, failure to prosecute, and failure to comply with the Order. (*Id.* at 3.)

Purcelle has failed to comply.

Accordingly, it is hereby

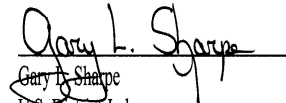
ORDERED that Purcelle's complaint (Dkt. No. 1) is **DISMISSED** for failure to notify the court of his address change, failure to prosecute, and failure to comply with the court's Orders; and it is further

ORDERED that the Clerk serve this Order on the Purcelle at his last known address and the previously-identified alternate address, and on all remaining parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

¹ On March 6, 2020, the Clerk mailed a copy of the R&R to Purcelle at the address listed on the docket. The Clerk noticed that, in another matter pending in this District, *Purcelle v. Rovelli*, No. 9:19-cv-405 (GLS/ML), the following address was provided in a declaration of service for Purcelle: Volunteers of America, 320 Chenango St., Binghamton, NY 13902. (Dkt. No. 39, No. 9:19-cv-405.) On March 11, 2020, the Clerk provided a copy of the R&R to Purcelle at that address. Both copies of the Order were returned as undelivered, however. (Dkt. Nos. 114, 115.)

April 22, 2020
Albany, New York


Gary L. Sharpe
U.S. District Judge